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Letter dated 27 January 2005 from representatives of Australia, Canada and New Zealand to the United Nations addressed to the President of the Security Council

All reports indicate that the situation in Darfur is deteriorating, and we are gravely concerned for the safety of those persons living there as the conflict continues. We believe that the Security Council is uniquely placed to assist in promoting and advancing the protection of civilians in the Darfur region. We would like to reiterate, in this regard, our strong support for the previous Security Council resolutions passed on Darfur, and our confidence in the importance of their full and effective implementation. As such, we would like to suggest a number of proposals, which we believe the Security Council should consider in addressing this situation further.

As a first measure, we believe that the Security Council should establish a committee to monitor the implementation of the arms embargo called for in resolution 1556 (2004) of 30 July 2004. This committee should not only establish mechanisms to monitor the arms embargo, but should also seek, ideally with the assistance of a panel of experts, to address the origins of arms flows to those actors covered in resolution 1556 (2004). We would anticipate that the committee would seek, among other things, to determine: (a) who is funding armed militias in Darfur, including pro-government militias, rebel movements and other emerging movements in their arms purchases; and (b) where the arms are coming from. Such a committee can help to ensure that existing Security Council resolutions are being properly implemented and identify areas where further attention by the Council may be necessary.

As a second measure, the Security Council should also look at designing targeted measures that may bring greater pressure to bear on all parties to the conflict to comply with their undertakings and with Security Council resolutions. Those measures could include individual travel bans and freezing of assets.

As a third measure, the Security Council should mandate the Secretary-General, in his next report on Darfur, to give further attention to an assessment of the extent to which the parties to the conflict have respected the obligations imposed on them by earlier Security Council resolutions. Analysis of compliance with the obligations outlined in resolutions 1556 (2004), 1564 (2004) (18 September 2004) and 1574 (2004) (19 November 2004) would ensure that conclusions drawn and measures proposed in future resolutions are grounded in fact and are meaningful.

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Finally, should the International Commission of Inquiry established pursuant to resolution 1564 (2004) determine that crimes within the jurisdiction of the International Criminal Court have been committed, we strongly believe that the Security Council should refer the matter to the Court as the most appropriate body to investigate such crimes.

We would be grateful if you would circulate the present letter as a document of the Security Council.

(*Signed*) John **Dauth**
Ambassador
Permanent Representative of Australia to the United Nations

(*Signed*) Gilbert **Laurin**
Chargé d'affaires a.i.
Deputy Permanent Representative of Canada to the United Nations

(*Signed*) Don **MacKay**
Ambassador
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